E29lr0945 CF 9lr0555

By: Senator Lee

Introduced and read first time: January 18, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning 2 Criminal Procedure - Charge by Citation - Violation of Condition of Release 3 FOR the purpose of altering the designation of a certain crime that a police officer may not charge by citation; and generally relating to criminal citations. 4 5 BY repealing and reenacting, without amendments, 6 Article - Criminal Procedure 7 Section 4-101(a)(1), (2), and (4) 8 Annotated Code of Maryland 9 (2018 Replacement Volume) 10 BY repealing and reenacting, with amendments, 11 Article – Criminal Procedure 12 Section 4–101(c) Annotated Code of Maryland 13 (2018 Replacement Volume) 14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 15 16 That the Laws of Maryland read as follows: Article - Criminal Procedure 17 4-101.18 19 (a) (1) In this section the following words have the meanings indicated. 20 "Citation" means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime. 2122

(ii)

statement of charges.

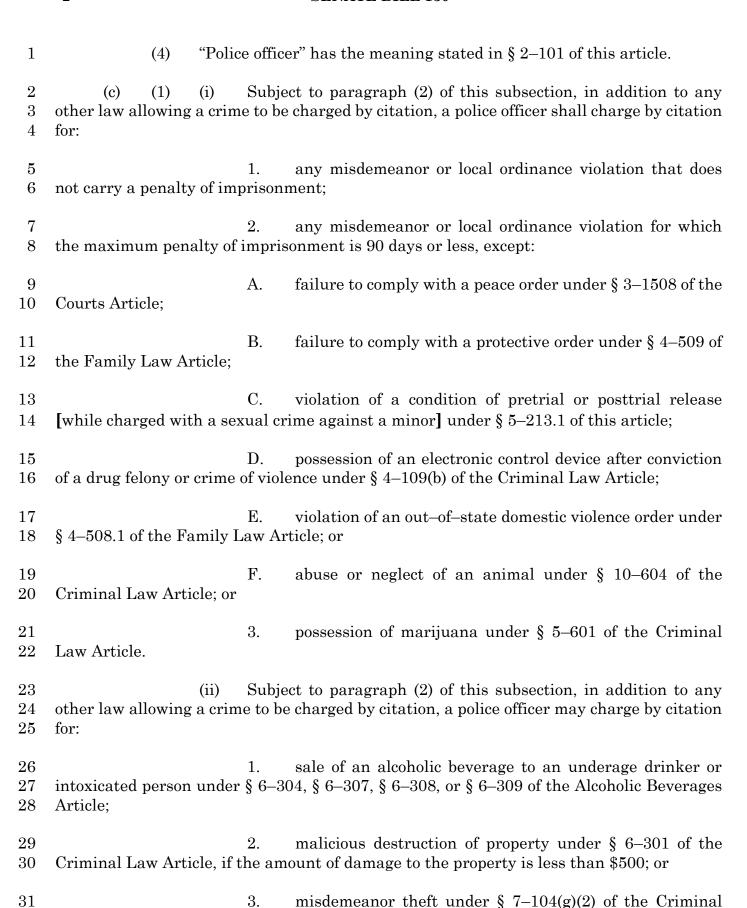
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"Citation" does not include an indictment, information, or

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Law Article.



1	(2)	A poli	ce officer may charge a defendant by citation only if:
2		(i)	the officer is satisfied with the defendant's evidence of identity;
3 4	with the citation;	(ii)	the officer reasonably believes that the defendant will comply
5 6	statement of charg	(iii) ges will	the officer reasonably believes that the failure to charge on a not pose a threat to public safety;
7 8	arising out of the s	(iv) same in	the defendant is not subject to arrest for another criminal charge cident; and
9		(v)	the defendant complies with all lawful orders by the officer.
10 11	(3) offense that may b	_	ice officer who has grounds to make a warrantless arrest for an ged by citation under this subsection may:
12		(i)	issue a citation in lieu of making the arrest; or
13 14	continued custody.	(ii)	make the arrest and subsequently issue a citation in lieu of
15 16	SECTION 2 October 1, 2019.	2. AND	BE IT FURTHER ENACTED, That this Act shall take effect